

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SAVANNAH KINZER, HALEY EVANS, and
CHRISTOPHER MICHNO,

Plaintiffs,

v.

WHOLE FOODS MARKET, INC.,

Defendant

Case No. 20-cv-11358-ADB

**DECLARATION OF SHANNON LISS-RIORDAN IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

I, Shannon Liss-Riordan, declare and state:

1. I am a partner at the law firm of Lichten & Liss-Riordan, P.C. and am counsel for Plaintiffs in the above captioned case. I am licensed to practice law in the Commonwealth of Massachusetts and submit this declaration in support of Plaintiffs' Opposition to Defendant's Motion for Summary Judgment. I have personal knowledge of the facts set forth herein.
2. A true and accurate copy of the Transcript of the Deposition of Savannah Kinzer **is attached hereto as Ex. 1.**
3. A true and accurate copy of excerpts from the Transcript of the Deposition of Haley Evans **is attached hereto as Ex. 2.**
4. A true and accurate copy of excerpts from the Transcript of the Deposition of Christopher Michno **is attached hereto as Ex. 3.**
5. A true and accurate copy of excerpts from the Transcript of the Deposition of Shea Morgan **is attached hereto as Ex. 4.**

6. A true and accurate copy of excerpts from the Transcript of the Deposition of Scott Duncan **is attached hereto as Ex. 5.**

7. A true and accurate copy of excerpts from the Transcript of the Deposition of Richard Bonin **is attached hereto as Ex. 6.**

8. A true and accurate copy of excerpts from the Transcript of the Deposition of Carol Kingsmore **is attached hereto as Ex. 7.**

9. A true and accurate copy of excerpts from the Transcript of the Deposition of Kelly Fox **is attached hereto as Ex. 8.**

10. A true and accurate copy of excerpts from the Transcript of the Deposition of Jessica Charney **is attached hereto as Ex. 9.**

11. A true and accurate copy of excerpts from the Transcript of the Deposition of Omar Gaye **is attached hereto as Ex. 10.**

12. A true and accurate copy of excerpts from the Transcript of the Deposition of Barbara Smith **is attached hereto as Ex. 11.**

13. A true and accurate copy of excerpts from the Transcript of the Deposition of Christine Minardi **is attached hereto as Ex. 12.**

14. A true and accurate copy of the un-redacted document produced in discovery by Defendant on February 11, 2022, at WFM_719-21, **is attached hereto as Ex. 13.**

15. A true and accurate copy of a document produced in discovery by Defendant, at WFM_1384 **is attached hereto as Ex. 14.**

16. A true and accurate copy of a document produced in discovery by Defendant, at WFM_298-303, **is attached hereto as Ex. 15.**

17. A true and accurate copy of a document produced by Defendant in discovery at WFM_1652-53 **is attached hereto as Ex. 16.**

18. A true and accurate copy of previously filed Affidavit of Mackenzie Shanahan in support of Plaintiffs' Preliminary Injunction Motion, Dkt. 3-3, **is attached hereto as Ex.**

17.

19. A true and accurate copy of previously filed Affidavit of Corey Samuels in support of Plaintiffs' Preliminary Injunction Motion, Dkt. 28-4, **is attached hereto as Ex. 18.**

20. A true and accurate copy of previously filed Affidavit of Jennifer Osayande in support of Plaintiffs' Preliminary Injunction Motion, Dkt. 28-6, **is attached hereto as Ex.**

19.

21. A true and accurate copy of previously filed Affidavit of Britney Ifebhor in support of Plaintiffs' Preliminary Injunction Motion, Dkt. 28-8 **is attached hereto as Ex. 20.**

22. A true and accurate copy of previously filed Affidavit of Kirby Burt in support of Plaintiffs' Preliminary Injunction Motion, Dkt. 28-9 **is attached hereto as Ex. 21.**

23. A true and accurate copy of previously filed Affidavit of Ana Belén Del-Rio Ramirez, Dkt. 3-9, ¶ 13) **is attached hereto as Ex. 22.**

24. A true and accurate copy of the news article, Katie Johnston, *Whole Foods Workers Sent Home Over Masks*, The Boston Globe, June 25, 2020, as accessed on February 25, 2022, at the URL,

<https://www.bostonglobe.com/2020/06/25/business/whole-foods-workers-sent-home-wearing-black-lives-matter-masks/> **is attached hereto as Ex. 23.**

25. A true and accurate copy of the news article, Adrian Ma, *Cambridge Whole Foods Employees Sue Over Black Lives Matter Masks*, WBUR, July 20, 2020, as accessed on February 25, 2022, at the URL,

<https://www.wbur.org/news/2020/07/20/class-action-whole-foods-black-lives-matter> **is attached hereto as Ex. 24.**

26. A true and accurate copy of the news article, Abigail Feldman, *Boycott Continues Against Cambridge Whole Foods that Sent Employees Home for Black Lives Matter Masks*, as accessed on February 25, 2022, at the URL,

<https://www.bostonglobe.com/2020/07/05/metro/boycott-continues-against-cambridge-whole-foods-that-sent-employees-home-black-lives-matter-masks/> **is attached hereto as Ex. 25.**

27. A true and accurate copy of the news article, Joshua Rhett Miller, *Call for Whole Foods Boycott Grow After Employees Wearing BLM Masks Are Sent Home*, NY Post, July 6, 2020, as accessed on February 25, 2022, at the URL, <https://nypost.com/2020/07/06/protesters-boycott-whole-foods-over-black-lives-matter-mask-policy/> **is attached hereto as Ex. 26.**

28. A true and accurate copy of the news article, Nicole Karlis, *Whole Foods is Quietly Telling Workers Not to Show Black Lives Matter Support at Work*, June 27, 2020, as accessed on February 25, 2022, at the URL, <https://www.salon.com/2020/06/27/whole-foods-is-quietly-telling-workers-not-to-show-black-lives-matter-support-at-work/> **is attached hereto as Ex. 27.**

29. A true and accurate copy of the news article, Kate Taylor & Hayley Peterson, *Workers Speak Out Against Black Lives Matter Face Mask Bans, as Companies Like Starbucks, Taco Bell, and Whole Foods Grapple with Viral Backlash*, Business Insider, July 12, 2020, as accessed on February 25, 2022, at the URL, <https://www.businessinsider.com/workers-speak-out-against-black-lives-matter-face-mask-bans-2020-7> **is attached hereto as Ex. 28.**

30. A true and accurate copy of a document produced by Defendant in discovery at WFM_1654-55 **is attached hereto as Ex. 29.**

31. A true and accurate copy of a Transcript of Deposition from the case Awuah v. Coverall North Am., Inc., Case No. 07-10287, with excerpted pp. 41-45, is **is attached hereto as Ex. 30.**

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 25, 2022, in Brookline, Massachusetts.

/s/ Shannon Liss-Riordan
Shannon Liss-Riordan, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on February 25, 2022, a copy of this document was served by electronic filing on all counsel of record.

/s/ Shannon Liss-Riordan
Shannon Liss-Riordan